

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00048-MR**

RONNIE DALE WHITENER, )  
Plaintiff, )  
vs. )  
RUTHERFORD COUNTY DETENTION )  
CENTER, et al., )  
Defendants. )  
\_\_\_\_\_  
ORDER

**THIS MATTER** is before the Court on the Plaintiff's "Motion for Instructions." [Doc. 72].

The pro se Plaintiff, who is presently incarcerated in the Tennessee Department of Corrections, filed this action under 42 U.S.C. § 1983 and North Carolina law, addressing incidents that allegedly occurred while he was a pretrial detainee at the Rutherford County Detention Center (“RCDC”). The Complaint [Doc. 1] passed initial review against Defendants John Patterson, John Cooley, and Joshua Goodwin<sup>1</sup> on claims pertaining to the use of excessive force and failure to intervene regarding an incident that is

<sup>1</sup> "John Doe RCDC Sergeant" and "John Doe RCDC officer[s]" in the Complaint. [Doc. 1: Complaint at 1].

alleged to have occurred at the RCDC on the afternoon of May 18, 2019. [Doc. 16]. The parties have filed cross-Motions for Summary Judgment. [Docs. 58, 60, 61].

Presently before the Court is the Plaintiff's "Motion for Instructions," in which he states that he wishes to file a DVD of the excessive force incident, which he received from the Defendants in discovery, in support of his Motion for Partial Summary Judgment. [Doc. 72]. However, he is unable to make a copy of the DVD because he is incarcerated, and he fears mailing his only copy of the DVD to the Court.

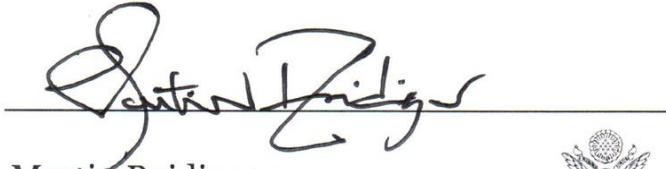
The Plaintiff's Motion is construed as a Motion to Manually File the DVD, which is granted. Normally, if the Plaintiff wished the Court to consider the DVD exhibit, he would have to mail it to the Court. In light of the unusual circumstances in this case, the Defendant(s) who provided the DVD to the Plaintiff in discovery will be required to mail courtesy copies of the DVD to the Court and to the Plaintiff.

**IT IS, THEREFORE, ORDERED** that:

1. The Plaintiff's "Motion for Instructions" [Doc. 72] is construed as a Motion to Manually File and is **GRANTED**.
2. The Defendants shall mail courtesy copies of the DVD to the Plaintiff and to the Court within fourteen (14) days of this Order.

**IT IS SO ORDERED.**

Signed: February 8, 2023

  
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Martin Reidinger  
Chief United States District Judge 